

FILED

JUN 12 2015

Clerk, U.S. District Court
District Of Montana
Billings

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TODD KENNETH HOROB,

Defendant.

Cause No. CR 08-93-BLG-SPW

ORDER re: FILINGS BY
DEFENDANT HOROB

Once again, the Court has received multiple familiar submissions from Defendant Horob. Both Horob's motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 and a certificate of appealability were denied in this Court on December 1, 2014. The Court of Appeals also denied a COA. *See United States v. Horob*, No. 14-36089 (9th Cir. Feb. 6, 2015) (Doc. 199). Horob did not file a petition for writ of certiorari in the United States Supreme Court.

The § 2255 proceeding in this Court is closed. Further proceedings in other courts are no longer available to Horob on his first motion under § 2255. As Horob has taken his one "unobstructed procedural shot" at presenting his claims against his conviction and sentence, *see, e.g., Marrero v. Ives*, 682 F.3d 1190, 1193 (9th Cir. 2012); *Ivy v. Pontesso*, 328 F.3d 1057, 1060 (9th Cir. 2003), the Court no longer has jurisdiction to entertain allegations regarding the integrity of the record of Horob's trial. *Burton v. Stewart*, 549 U.S. 147, 149 (2007) (per curiam);

Gonzalez v. Crosby, 545 U.S. 524, 532 & n.4 (2005). Unless and until a higher court authorizes this Court to hear such claims, *see* 28 U.S.C. §§ 2255(h), 2244(b), they will not be filed in this Court.

Accordingly, IT IS HEREBY ORDERED that the Order of December 30, 2014, is of no further effect. The Clerk shall not file any submissions from Horob alleging a defect in the record of the criminal proceedings.

DATED this 11th day of June, 2015.

A handwritten signature in cursive script, reading "Susan P. Watters", written over a horizontal line.

Susan P. Watters
United States District Court